

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

February 4, 2002

12:15 p. m.

The Council of the City of Roanoke met in regular session on Monday, February 4, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., Linda F. Wyatt, William H. Carder and Mayor Ralph K. Smith-----4.

ABSENT: Council Members C. Nelson Harris, William White, Sr., and William D. Bestpitch-----3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Carder and Mayor Smith -----4.

NAYS: None-----0.
(Council Members Harris, White and Bestpitch were absent.)

At 12:20 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159.

At 12:25 p.m., the Council meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., with Mayor Smith presiding, and all Members of the Council in attendance.

LEGISLATION-WATER RESOURCES-SEWERS AND STORM DRAINS: The City Manager introduced a briefing on the National Pollution Discharge Elimination System, Phase II (NPDES). She advised that at the last Council retreat, several Council Members expressed an interest in the upcoming storm water management application and permitting process, which are mandated by the Federal Government. She called attention to the City's efforts to address the issues on a regional basis and introduced Cary Lester, Environmental Administrator, and John G. Reed, Civil Engineer II, to present a progress report.

Mr. Lester advised that the Engineering Department has been working on the project for approximately 18 months in conjunction with an outside engineering firm which was hired by the City to direct the project; and origin of the project dates back to the Clean Water Act which is a part of several major pieces of environmental initiatives that surfaced in the 1970's, along with the National Environmental Policy Act, the intent of which is to restore streams and rivers. He stated that the first initial focus of the Clean Water Act was to eliminate toxic pollutants from municipal and industrial facilities; and in 1987, the Act was amended to include surface water run off from farms and urban environments which was contributing to the degradation of the rivers. He advised that the legislation was controversial; basics of the plan involve the public through education, participation by the public in the effort, and assessment of the problem through an evaluation of the storm water sewer system and to improve developmental standards so that past mistakes will not be repeated. He stated further that the City of Roanoke, along with neighboring jurisdictions, is subject to NPDES, Phase II, and will submit an individual application by March 15, 2003; in submitting the application, there is a two-fold consideration: to address quality and quantity, however, only the quality standard will be a part of the permit application. He advised that to address the City's needs, \$300,000.00 annually will be needed for a permit period of five years, although the process will be ongoing.

John G. Reed, Civil Engineer II, advised that it is estimated that it will cost the City approximately \$300,000.00 annually to remain in compliance with the mandate. He explained that a component of the storm water management system, which is not mandated by the Federal Government, but is the focus of most citizen complaints in regard to storm water, is the drainage collection system; and the Environmental Protection Administration has identified and listed the City of Roanoke as the owner/operator of a municipal storm sewer system. He further explained that there are basically two components to waste water: collection and

treatment, and there is a close relationship with the collection system. He noted that the City recently completed a waste water interceptor project on Tinker Creek and the Roanoke River in an effort to minimize the amount of river water that goes to the waste water treatment plant. He explained that with the new law, the City has been tasked with the responsibility of removing non-run off flows from the collection system, thus, there is a close relationship between the quality and quantity components. He stated that the current Capital Improvement Program drainage program in the City of Roanoke is primarily citizen complaint driven, large projects have historically followed large flooding events such as the Williamson Road storm drainage project in the 1980's, Peters Creek, and Garden City; to support these projects, the City has relied on bond funding without General Fund appropriations, and in the last 20 years, funding has averaged approximately \$1.5 million per year for storm drainage projects. He explained that there are approximately 120 projects on the City's current CIP drainage project list that are identified but not funded projects, in the approximate amount of \$43 million, and the list continues to grow each time the City receives a citizen complaint that cannot be corrected by City drainage maintenance crews. He stated that many of the drainage projects have a long history of over 20 years and most of the projects are within the City's contained watersheds. He referred to areas in northwest Villa Heights and an open channel in the Garden City neighborhood which are typical examples of projects on the CIP list. He stated that the drainage situation is similar to the City's sidewalk, curb, and gutter project list which currently has a back log of approximately \$21 million in capital needs; a dedicated program for funding sidewalk, curb, and gutter improvements was addressed by Council last year; and the current CIP drainage program, totalling \$43 million in unfunded capital needs, does not include maintenance of the existing system or future systems to be constructed.

Mr. Reed advised that all cities and counties in Virginia with a population of over 100,000 were required to address the NPDES issue in the early to mid 1990's, the localities had similar capital needs and most of the jurisdictions developed a storm water utility to address NPDES requirements and to provide additional services in connection with capital and maintenance needs. He presented a spread sheet showing current Phase I communities in the Commonwealth of Virginia and the State of Greensboro, illustrating typical fees that other communities have imposed in order to fund their storm water management program in terms of quality and quantity. He stated that some communities instituted a storm water utility user fee for the purpose of offsetting existing costs and addressing certain necessary capital improvements.

The following is a summary of discussion by Council Members and staff:

The NPDES is an unfunded mandate by the Federal Government through the Environmental Protection Agency (EPA); the State of Virginia through, its Department of Environmental Quality, will manage

and administer the program; the EPA established rules on a national basis which impact localities initially based upon population, and the City of Roanoke will submit its permit application to the State which will sign off on the application as the agent of EPA.

Mandates are not unlike the Clean Water Act, which required localities to make certain improvements to their water treatment system; and NPDES is another aspect of the Clean Water Act which is intended to look at water run off to rivers and streams.

There has been considerable discussion over the years regarding drainage problems throughout the City, but not enough has been done to address existing problems.

Is it possible that problems with bacteria in the untreated water at the Crystal Spring Pump Station is the result of water contamination from the Mill Mountain Zoo?

No problems existed at the Crystal Spring Plant until April 1999 when the Health Department identified the presence of bacteria which was not found in the treated water. Based upon a request from the Health Department, the City closed the Crystal Spring Plant until an additional filtration system could be installed to provide additional protection.

The origination of water from the Crystal Spring Plant is not known, although the water source appears to be drought-proof.

If a well is identified, what would be involved with regard to developing another type of treatment plant, or transporting water to the Carvins Cove Reservoir for treatment. City staff advised that developing another type of treatment plant or transporting water to Carvins Cove Reservoir would involve a major expenditure of several million dollars. A geologist has pointed out that the reason wells were not pursued by the City in 1999 is because many of the potable water sites are located on private property and the City would have to obtain property rights.

When localities go through the NPDES permit process they have identified both quality and quantity issues; however, most localities have not significantly addressed the quantity issues largely because they do not on a consistent basis budget for these types of improvements; and the storm water management fee, or the utility fee, represents an opportunity to create a consistent revenue stream which may be acceptable to the community.

City staff has been requested to provide Council with a comprehensive list of outstanding capital improvements at the March 8 Financial Planning Session. A significant amount of the City's infrastructure has not been addressed in a consistent manner, whether it be maintenance of buildings, maintenance and repair of water and sewer lines, and storm drains, etc.

Citizens are not concerned about the quality issue unless it impacts the rivers, but citizens will look to the City to address the quantity issue and the issues will have to be aggressively addressed in the future because the majority of development in the City is taking place in areas where flooding problems will continue to exist.

The \$300,000.00 annual cost can be achieved with belt tightening and other prioritizing of City projects, but the bigger question is the issue of the number of unfunded and pending projects, therefore, the City needs to look long term at how to address \$43 million worth of projects. One choice is through the utility user fee and another choice would be for Council to prioritize through its capital improvement process and designate X number of dollars annually for this purpose.

If a utility user fee is established, it should be imposed on a regional basis.

As a means of conserving water, the City should offer incentives to businesses, such as car washing establishments, that use a large volume of water.

It would be helpful when making various types of comparisons/bench marks that the same list of cities be used in all instances, if possible.

At 1:20 p. m., the Mayor declared the meeting in recess for the purpose of holding one Closed Session which was previously approved by Council.

At 1:30 p. m., the City Council meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. White moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, White, Carder, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.
(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE-COMMUNITY SERVICES: The Mayor advised that the term of office of Dr. Dolores Y. Johns as a member of the Blue Ridge Behavioral Healthcare Board of Directors expired on December 31, 2001, and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Dolores Y. Johns.

There being no further nominations, Dr. Johns was reappointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2004, by the following vote:

FOR DR. JOHNS: Council Members Hudson, Harris, White, Carder, Bestpitch and Mayor Smith-----6.
(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

AIRPORT-OATHS OF OFFICE-COMMITTEES: The Mayor advised that the term of office of Claude N. Smith as a member of the Roanoke Regional Airport Commission will expire on March 9, 2002, and called for nominations to fill the vacancy.

Mr. Hudson placed in nomination the name of Claude N. Smith.

There being no further nominations, Mr. Smith was reappointed as a member of the Roanoke Regional Airport Commission, for a term ending March 9, 2006, by the following vote:

FOR MR. SMITH: Council Members Hudson, Harris, White, Carder, Bestpitch and Mayor Smith-----6.
(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that there is a vacancy on the Youth Services Citizen Board (Patrick Shumate vacancy), and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Krista Blakeney.

There being no further nominations, Ms. Blakeney was appointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2004, by the following vote:

**FOR MS. BLAKENEY: Council Members Hudson, Harris, White, Carder, Bestpitch and Mayor Smith-----6.
(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)**

At 1:35 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, February 4, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., Linda F. Wyatt, C. Nelson Harris, William White, Sr., William H. Carder, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: Mr. White offered the following resolution recognizing and commending Hamlar & Curtis Funeral Home for 50 years of outstanding service to the Roanoke Valley.

(#35738-020402) A RESOLUTION paying tribute to Hamlar-Curtis Funeral Home on its 50-year anniversary of service to the citizens of Roanoke.

(For full text of Resolution, see Resolution Book No. 65 page 411.)

Mr. White moved the adoption of Resolution No. 35738-020402. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

The Mayor and Council Member White presented a ceremonial copy of the abovereferenced resolution to Mr. H. Clark "Duke" Curtis.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Monday, October 29, 2001 (Fifth Monday Work Session), and Monday, December 3, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Bestpitch moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**FIFTH PLANNING DISTRICT COMMISSION-DIRECTOR OF FINANCE-OATHS
OF OFFICE-COMMITTEES-INDUSTRIES:**

The following reports of qualification were before Council:

William H. Carder as a member of the Roanoke Valley - Allegheny Regional Commission to fill the unexpired term of Donald S. Caldwell, resigned, ending June 30, 2003;

Jesse A. Hall as Director of Finance for a term beginning at midnight on January 31, 2002, and ending September 30, 2002; and

Charles E. Hunter, III, as a Director of the Industrial Development Authority of the City of Roanoke, Virginia, to fill the unexpired term of Thomas Pettigrew, resigned, ending October 20, 2004.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

Mr. Bestpitch moved that the reports of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS:

SCHOOLS: Dr. E. Wayne Harris, Superintendent. Roanoke City Public Schools, presented a briefing on the English Language Learners Program. He advised that the expression is often heard that we live in a global society and that statement is often accompanied with an explanation that changes in technology allow us to see around the world. He stated that there is an ever increasing number of students coming into the Roanoke City School system from other countries around the world and the English Language Learners Program helps those students and their parents learn to speak English. He explained that within Roanoke City schools, there are students who speak 27 different languages, with Spanish representing the largest,

Vietnamese second, Croatin third, Haitian fourth and Arabic fifth, and Roanoke's school system provides translations of all documents in the top three languages. He added that it is important to understand that if the school system is to adequately serve each student, it must ensure that parents, guardians and sponsors who do not speak English have the information they need translated. He advised that the Roanoke area is fortunate to have a refugee service located on 9th Street in southeast Roanoke that lends a great deal of support to the English Language Learners Program by providing the names of individuals who can act as translators; and the City of Roanoke has developed an excellent English Language Learners Program which is based on sound and effective implementation of educational theory and provides the necessary resources for success.

Dr. Harris stated that 375 students currently participate in the program, which is supervised by a staff of nine teachers working at various grade levels, and the amount of time that a teacher spends with each student depends on the English limitations of each child; and teachers must insure regular evaluation and modification of the Program to provide equitable accommodations for students through a trained and knowledgeable staff. Because of the increased number of students participating in the program, Dr. Harris advised that two additional teachers will be added to the staff to ensure the success of these 375 students, who must meet the same high standards as other students in regard to the Standards of Learning in the basic skills of reading, comprehension, math, science, history, social studies and technology. He also called attention to the number of kindergarten and first grade students, participating in the program, the number at the middle school level is small when compared to elementary schools, 9th and 10th grades have a significant number of students and it is anticipated that the number will continue to grow with the changing world situation.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ECONOMIC DEVELOPMENT: Phillip F. Sparks, Executive Director, Roanoke Valley Economic Development Partnership, explained that the Partnership is the only organization in the Roanoke Valley that receives its funding based on a per capita funding formula (\$1.75 per capita), by seven Roanoke Valley governments, at a total budget of approximately \$800,000.00, with the balance beyond government support being derived from the private sector. He stated that the role of the Economic Development Partnership is to attract businesses to the area, as well as to work with existing businesses that are seeking to expand or relocate within the area. He advised that for the year 2001, the Partnership received 400 inquires compared with 200 in the year 2000; 22 new prospect files were opened, compared with 25 in the year 2000; a total of 44 new or returning visits by prospective businesses; 25 properties were recommended in the City of Roanoke; 11 companies are currently looking at the Roanoke Valley as a potential site, with a total

investment exceeding \$330 million and the potential of 3,000 jobs. He advised that the City of Roanoke has been recognized for the second year in a row in *Expansion Magazine* as one of the top 50 places in the entire United States in which to relocate or expand a business out of more than 300 metropolitan statistical areas in the country, based on the friendliness of government toward business, incentive packages, education, quality of life and other issues. He spoke in support of a recent venture with the New River Valley Economic Development Alliance which represents a major step in marketing the greater region.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ELECTIONS-ARMORY/STADIUM-REGISTRAR: A communication from the General Registrar advising that the Roanoke City Electoral Board obtained previous approval for a temporary change of polling place for the Jefferson #2 Precinct from the National Guard Armory to the Roanoke City Schools Maintenance Building, for the November 6, 2001 General Election; and due to continued Priority Alert status of the National Guard Armory, the Electoral Board is unable to use Jefferson #2 Precinct for the upcoming Democratic Primary election on March 5, 2002, was before Council.

The Registrar recommended an extension indefinitely or until a permanent change can be made for the polling place for the Jefferson #2 Precinct from the National Guard Armory to the Roanoke City Schools Maintenance Building.

Mr. Hudson offered the following emergency ordinance:

(#35739-020402) AN ORDINANCE temporarily changing the polling place for Jefferson Precinct No. 2 from the National Guard Armory Building on Reserve Avenue, S. W., to the Roanoke City Schools Maintenance Building, at 250 Reserve Avenue, S. W.; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 412.)

Mr. Hudson moved the adoption of Ordinance No. 35739-020402. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-WATER RESOURCES: The City Manager introduced Mr. Chip Davis who presented the "Water Tip of the Week". He suggested that water not be allowed to run continuously while shaving.

The City Manager submitted a communication advising that Carvins Cove Reservoir began supplying water to the City of Roanoke on March 21, 1947; the Reservoir is recharged or filled by rainfall and runoff from the watersheds; typically, the Reservoir fills up in the spring and gradually drops during the summer and fall seasons; previous all time lows for the Reservoir were 24.2 feet on December 15, 1981 and 29.2 feet on September 4, 1999, and the Reservoir was last full on April 18, 2000; and a Water Conservation Plan was implemented on June 7, 1999, for the first time in the history of Roanoke City to control and restrict the use of water, with the majority of restrictions having been removed in December, 1999.

It was further advised that rainfall for the calendar year 2001 was 33 per cent below normal; Reservoir water level has steadily dropped to the current level below 20.0 feet from a level of 1.0 foot low on June 1, 2001; significant rainfall is required and necessary between January and June to preclude a critical situation from developing in the summer and fall of 2002; staff is of the opinion that a water supply emergency exists and there is a need to implement usage restrictions; and an average rainfall is predicted for the year 2002, but a significant amount of rain will be needed to sufficiently increase the supply of water in the Carvins Cove Reservoir.

It was explained that staff has developed a Water Conservation Plan dated February 4, 2002, which is designed to extend the useful life of the water supply until sufficient rainfall occurs to refill the Reservoir; restrictions do not place an undue hardship on the business community or the public health, however, restrictions become more aggressive as the water level declines; and the following is a summary of actions that occur at various stages of the Plan:

Stage 1 -Normal operations above 18 feet with no restrictions.

Stage 2 (18 Feet)-Voluntary restrictions imposed whenever the level of water in the Reservoir is between 18 feet and 22 feet below the spillway.

Stage 3 (22 Feet)-Partial mandatory restrictions imposed whenever the level of water in the Reservoir is between 22 and 26 feet below the spillway. (Restrict outdoor usage between 10 a.m. and 7 p.m. Suspension of certain irrigation/sewer exemption program credits.)

Stage 4 (26 Feet)-Mandatory restrictions imposed whenever the level of water in the Reservoir is between 26 feet and 30 feet below the spillway. (Suspension of all outdoor water uses with certain exceptions; begin water purchases; and imposition of civil penalties. Surcharge applied to the base water rate for Domestic/Commercial/and Industrial users.)

Stage 5 (30 Feet) - Forced reduction imposed whenever the level of water in the Reservoir is 30 feet or more below the spillway. (Prohibition on use of water for all non-essential purposes [defined as not related to health, safety, fire suppression, other public emergencies, or water necessary to sustain business operations] and continuation of surcharge).

The City Manager recommended the following for consideration by Council:

City Council find, for the reasons set forth above, that a water supply emergency exists and there is a need to restrict the use of water in the City. Furthermore, City Council approve the Water Conservation Plan dated February 4, 2002

Authorize the City Manager, in accordance with the City of Roanoke Charter of 1952, Sections 2-(31) and (32), and Virginia Code Section 15.2-924, to impose suitable penalties for the violations of the Water Conservation Plan of \$100.00 for residential users and \$500.00 for institutional/commercial/industrial users. Each day of a violation shall be considered a separate violation. Penalties assessed will be immediately payable. Council further authorize the City Manager to provide that failure to pay the penalty assessed and/or multiple violations of the Water Conservation Plan may subject the water user to immediate cut off of water service and service will not be resumed until all bills, penalties, plus the then current turn on fee are paid.

Authorize the City Manager to take such further action and to provide for such rules or regulations as may be necessary to administer and/or implement the Water Conservation Plan.

Authorize the City Manager to employ, temporarily, additional personnel as may be necessary for patrolling and issuing of citations to water users in violation of restrictions and allocated conditions set forth in the Plan. Additionally, authorize the City Manager to authorize the use of the following employees for patrolling and issuing of citations: Watershed Security Officers (2); Boat Inspectors (2); Pump and Storage Operators (2); Utility Workers (2); other Water Department employees as required.

City Council suspend the irrigation/sewer exemption program provided for in Section 26-27 of the Code of the City of Roanoke (1979), as amended, insofar as it applies to City water used for irrigation purposes or the filling or refilling of swimming pools once Stage 3 of the Plan is reached. Authorize the Director of Finance to suspend or revoke any permits, credits, or exemptions issued pursuant to Section 26-27 of the City Code, with the intent being that sewer charges will now be imposed on City water used for such purposes should the Reservoir level reach Stage 3 (22 feet). The purpose of such action is to encourage reduction in water usage. Also, provide that the Director of Finance, or his designee, shall attempt to provide notice of such action to any persons or entities receiving such an exemption, credit, or permit pursuant to Section 26-27 of the City Code, either by publishing notice in a newspaper of general circulation or by mailing notice to such persons or entities.

Impose a water surcharge as noted in the Plan should the Reservoir level reach Stage 4 (26 feet). This surcharge will be \$0.12 per HCF and applied to the base rate for Domestic/Commercial/and Industrial users, which will have the effect of a charge of \$1.33 per HCF from the first gallon used until all mandatory restrictions are lifted.

Amend the Water Fund FY 2001/2002 budget and appropriate \$1,000,000.00 from the Water Fund Prior Year Retained Earnings into Account No. 002-510-2170-2055, Purchased Water, to provide for emergency water purchases; \$30,000.00 into Account No. 002-510-2170-1003, Overtime Wages, to provide for additional personnel as may be necessary for patrolling and issuing of citations to water users in violation of restrictions and conditions set forth in the

Plan and \$30,000.00 into Account No. 002-510-2160-2015, Advertising, to provide for public relations materials, etc.

Authorize the City Manager to lift mandatory water restrictions once the level of the Reservoir reaches ten feet below the spillway. Provided, however, once a particular Stage provided for in the Plan is reached and the provisions and restrictions of that Stage take effect, the City Manager may maintain the restrictions and provisions of that Stage until the water level at Carvins Cove Reservoir has improved and stabilized to a sufficient level above that particular Stage, as may be determined by the City Manager in her discretion, before that particular Stage will be determined to be no longer applicable and the restrictions and provisions of that Stage are lifted.

Mr. Hudson moved that Council concur in the recommendations of the City Manager. The motion was seconded by Ms. Wyatt and unanimously adopted.

Mr. Carder offered the following emergency budget ordinance:

(#35740-020402) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 413.)

Mr. Carder moved the adoption of Ordinance No. 35740-020402. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Ms. Wyatt requested that the City Manager provide a brief history of the events that led to the closing of the Crystal Spring Pump Station; whereupon, the City Manager advised that the City was requested in May 2001 to cease operation of the Crystal Spring facility because recent testing of the water by the Health Department detected on several occasions the presence of bacteria in the untreated water; therefore, the Health Department requested the City to take the plant out of operation and to install a new filtration system which is in progress, with the plant to be operational by December 2002. She advised that the City continues to have dialogue with the Health Department to determine if it is possible, through additional treatment and monitoring means, to bring the Crystal Spring water source back on line sooner than December because of the current water situation. She explained that when Carvins Cove Reservoir reaches 26 feet below the spillway, the City will begin purchasing water from Roanoke County, the water situation is monitored on a daily basis, and it is not believed to be necessary to purchase water at this time.

The Mayor inquired as to the feasibility of purchasing water from Roanoke County now when water rates would be at a lower cost and the status of the Spring Hollow water supply.

There were questions as to whether other jurisdictions in the Roanoke Valley have surplus water to sell to the City of Roanoke; whereupon, Michael McEvoy, Director of Utilities, advised that the City of Salem has indicated that it is willing to sell the City water until approximately June 1, 2002, and at that time, if extra capacity is available, they will continue to sell water to the City; Roanoke County is willing to sell water to the City, but officials have cautioned that a long term sale of more than five to six months would be conditional on the Roanoke River recharging itself.

Mr. Carder offered the following emergency ordinance:

(#35741-020402) AN ORDINANCE declaring that a water supply emergency exists and there is a need for water conservation measures to be taken within the City of Roanoke; approving the Water Conservation Plan dated February 4, 2002; authorizing the City Manager to impose suitable penalties for violations of the Water Conservation Plan; authorizing the City Manager to employ, temporarily, personnel as water conservation officers, and to authorize those officers as well as certain other City employees to patrol and issue citations for violations of the Water Conservation Plan; authorizing the City Manager to take such further action and to provide for such rules and regulations as may be necessary to implement, administer and enforce the Water Conservation Plan; temporarily suspending the sewer charge reductions authorized by Section 26-27 of the Code of the City of Roanoke (1979), as amended, in certain circumstances and authorizing the Director of Finance to revoke any permits, exemptions, or credits issued pursuant to Section 26-27 of the City Code; imposing a water surcharge as set forth in the Water Conservation Plan; authorizing the City Manager to maintain the restrictions and provisions of a particular stage under the Plan until the water level at Carvins Cove Reservoir has improved and stabilized to a sufficient level above that particular stage, before lifting the restrictions and provisions of that stage; authorizing the City Manager to lift mandatory water restrictions once the level of the Carvins Cove Reservoir reaches ten feet below the spillway; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 414.)

Mr. Carder moved the adoption of Ordinance No. 35741-020402. The motion was seconded by Mr. Harris.

There was discussion in regard to Section 10 of the above referenced ordinance:

“10. Should the water level at the Carvins Cove Reservoir rise above the level of ten feet below the spillway the water supply restrictions may be, but are not required to be, lifted by the City Manager and the City Manager is authorized to take such actions as may be necessary to terminate the Water Conservation Plan in an orderly manner if all such restrictions are lifted.”

Further discussion ensued with regard to what is meant by terminating the Water Conservation Plan and whether the February 4, 2002 plan will be in effect at some future date if another drought occurs; whereupon, the City Manager advised that the February 4, 2002 plan addresses the Water Conservation Plan as invoked under the current drought, and the Plan would remain as an official document of the City to be invoked in the future if the City were to experience a similar drought situation.

The City Attorney advised that Council would be required to make particularized findings each time the Water Conservation Plan is invoked.

In regard to lifting restrictions, there was discussion as to what will happen as Carvins Cove Reservoir begins to fill up; the Water Conservation Plan is clear about the triggers that need to be in place as the water level drops, for example, not to move from Stage 2 to Stage 3 until the reservoir reaches 22 feet below the spillway; however, on the way back up, those same kinds of triggers are not in place, and the ordinance should state that the restrictions at one stage will stay in effect until the water level reaches the beginning point of the previous stage.

It was suggested that Council act on the measure as presented by the City Manager and that concerns/comments expressed by Council Members be referred to the City Manager to address as a separate issue.

Following further discussion, it was the consensus of Council to act on the measure as presented, keeping in mind that the concerns and comments expressed by Council Members would be referred to the City Manager to address as a separate issue.

Ordinance No. 35741-020402 was adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

AFFIRMATIVE ACTION-CITY EMPLOYEES: The City Manager submitted a communication advising that the City of Roanoke continues to make strides toward becoming an employer that reflects the diverse customer base it serves; during the past year, the City focused on two initiatives; i.e.: increasing the diversity of its workforce and developing the knowledge and skill base related to understanding and managing diversity; achievement of these objectives over the long term will help achieve business and strategic goals established by City Council; and accomplishments related to increasing workforce diversity focused on implementing a broad based, yet focused recruitment and selection program.

It was further advised that two years ago, there were four departments/divisions under the direction of the City Manager that did not employ any persons of color; currently, three of the four operations employ minorities; the City has also hired or promoted persons of color into a number of key professional and management positions, including Assistant City Manager, Neighborhood Partnership Coordinator, Human Resources Administrator, Planning/Support Services Supervisor, Budget and Management Analyst, Training Specialist, Economic Development Specialist, Compensation and Benefits Analyst and Human Resources Recruiter; appointment to these key positions is a clear indication of the City's commitment to diversity, yet there is more work to be done; and ultimately, successful implementation of Roanoke's diversity program will be based on increasing "diversity capacity", which involves much more than hiring more women and people of color, but it is about treating employees and citizens with respect and understanding and embracing differences, talents and perspectives that are unique.

It was explained that employment data for 2001 shows that 57 of the 247 new hires (23.4 per cent) and 21 of the 82 promoted (25.6 per cent) were people of color; while this data is not substantially different from last year, 23 per cent and 33 per cent respectively, it is important to note that of the 56 minority new hires during 2001, 14 were in the officials and professionals categories, while last year, only seven were in these categories; minority promotions in these same categories went from four to seven during this time frame; and of particular note is the impact of public safety new hires and promotions, and inasmuch as sworn Police, Sheriff and Fire/EMS employees represent almost 28 per cent of the City's workforce and based on the ongoing difficulty the City has in recruiting and hiring people of color and women in these positions, the City's task of increasing overall workforce diversity will remain difficult.

It was noted that in May 2001, the Department of Human Resources, in partnership with the Roanoke Branch of the NAACP, held a Job Fair at the Roanoke Civic Center Auditorium, with more than 75 registrants and ultimately five persons were hired into full-time positions and three were hired in temporary slots; which effort has paid dividends toward increasing workforce diversity; and the NAACP and

City staff are working to understand important workplace issues of concern to both organizations in an effort to develop more trust that will ultimately lead to improved community relations.

It was explained that the Department of Human Resources also operated a booth at the Henry Street Festival alongside the NAACP; by aligning the City organization with others that are interested in workplace diversity, such as the NAACP, the City intends to show the community that it is committed to this important issue; working with the new Human Resources Recruiter, the NAACP and others, more minority applicants were sought out who may not have previously considered employment with the City of Roanoke; from June through December, the City's recruiter met with over 100 people and six were hired; another major effort undertaken during 2001 is implementation of the Employee Development Program, and by utilizing these resource tools, employees are able to manage their professional development and prepare for future job opportunities; and currently, 56 employees participate in the program, 63 per cent of which are female and 27 per cent are people of color.

It was further explained that staff members from Fire/EMS, Police, Sheriff's Office, and Human Resources continue to recruit candidates of color and women at military installations and historically black colleges and universities; on-site tests are conducted, when possible, and overnight accommodations are provided to military candidates who come to Roanoke to test; the City of Roanoke continues to co-sponsor This Valley Works Job Fair held every spring at the Roanoke Civic Center, which attracted more than 3,500 job applicants last year; the City's internship continues to attract high-caliber rising college seniors, and 12 students were placed in jobs throughout the City during 2001, seven of which were people of color; and recruitment initiatives will continue to emphasize building relations with local groups interested in workforce diversity.

It was advised that commitment is the foundation needed to build and maintain a high-quality, diverse workforce; during 2002, the City will take a number of actions intended to keep its commitment at the forefront and begin to move the City organization to a higher level of diversity competence; from a leadership perspective, the City intends to build diversity capacity through training its managers to understand that an inclusive work environment is one of the best ways to get a better return on the investment in human capital, and, therefore, an increase in worker productivity; the City will also initiate a new training program aimed at improving the ability of its workforce to serve a diverse community; and the time has come to appoint a standing Leadership Diversity Advisory Group, the purpose of which will be to:

- **Work with the Leadership Team to reconfirm the organizational leadership philosophy and adopt additional wording for a diversity statement within the philosophy;**
- **Understand individual organization impediments to diversity;**
- **Advise Training staff, Human Resources and the City Manager concerning diversity programs and policies;**
- **Assist departments with developing diversity goals; and**
- **Support other leaders' progress and champion diversity efforts.**

It was further advised that the group will provide the City with a new perspective on diversity which will help the City to become the organization it aspires to be; in order to improve the City's ability to recruit more minorities, particularly those interested in professional and public safety positions, Human Resources is working with a company that will determine the appropriate media and online advertising that could be used to attract more diverse candidates; and this strategy will include methods that are designed to interact with passive and active job seekers and will include the design and production of a recruitment ad campaign.

In conclusion, the City Manager stated that she is pleased with many of the actions the City has taken to increase diversity within the organization, yet there is much to be done; the focus on building "diversity capacity" and the establishment of the Leadership Diversity Advisory Group will serve to challenge all persons in the City organization to reach a higher level of understanding; comfort zones and everyday relationships may be impacted by the collective results; new strategies must be developed to increase the diversity of the City's workforce, otherwise, the City's credibility as an organization that espouses diversity will be challenged; and the work is important because it affects the very heart of who we are as individuals and as an organization.

Brenda Hale, President, Roanoke Chapter, NAACP, expressed appreciation for the City's positive initiatives in regard to implementing long over due changes leading to a more diverse City work force, and for the opportunity to work in collaboration with the City of Roanoke. She spoke to the success of the first Job Fair in May 2000 in which 74 applications were submitted and eight persons were hired. She advised that the National Conference of Community and Justice, Roanoke Chapter, has offered its assistance to help the City work force reflect the diversity of the 70 nations that are currently represented in the Roanoke community. She commended the 2001 Affirmative Action report which shows an increase in

minority hires in upper management and professional services; and the City's rating has improved from failing to a C+, except in the area of public safety and protective services, which areas are grossly under represented in regard to minorities. She advised that of concern is the issue of promotions and opportunities for minorities to be a part of the new educational initiative offered by the City and the NAACP will continue to track enrollment numbers.

Matthew Duffy, representing the Refugee and Immigration Service Office, which is affiliated with the Catholic Diocese of Richmond, advised that they are a full service office, with a school liaison officer who coordinates a peer tutoring program emphasizing friendship development and exchange of cultural views, while working closely with the City of Roanoke in providing English as a second language in the school system; and more than 17 different nationalities have received assistance. He stated that the office provides interpreters for the court system and cultural sensitivity classes for the Police Department and the Department of Social Services. He advised that the mission of the Refugee and Immigration Service Office is to help the individual to become self-sufficient within two years and to apply for American citizenship within five years.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., complimented the City on making some improvements in regard to employment of African-Americans; however, she referred to the City Manager's communication in which she refers to "minorities" and "persons of color" and inquired if there is a difference between the two categories. She inquired if any of the positions were new hires, upward mobility or transfers within departments where some persons might have had less responsibility, pay or status. In regard to the Diversity and Awareness Acceptance Program, she spoke to the importance of the advisory group placing emphasis on common courtesies as persons come into the work place, i.e.: a pleasant good morning or good afternoon, or may I get you a cup of coffee. In regard to the Employee Development Program, she inquired as to what plans are in place to ensure that there is upward mobility once an employee enrolls in the program, and will there be follow up to ensure that goals are met. In reference to the Job Fair that was held in May 2000, one of the results of which was the hiring of seven persons, she inquired if any of these individuals were "minorities" or "people of color". She encouraged that the City of Roanoke do all that it can to become a fair and equitable employer.

Mr. Terry McGhee, 4002 Virginia Avenue, N. W., advised that affirmation action and diversity should also reach out to the youth of the area, which prejudice seems to exist not only in the Roanoke area, but throughout the United States. He stated that because transportation is not available, there is no diversity in the job market; and entertainment offered at the Roanoke Civic Center is not diverse because most of the events are geared toward the preferences of the majority community, as opposed to the African-American segment of the City's population.

Ms. Wyatt inquired if City representatives have visited junior colleges and technical schools within a 100 - 200 mile radius of Roanoke. She called attention to economically depressed areas in southern West Virginia, eastern Tennessee, eastern Kentucky, and further southwest Virginia where citizens are seeking employment as a result of industry closings, and the Danville, Martinsville, and South Boston area where the textile industry has moved out. She encouraged the City Manager to explore those areas whose citizens have diverse expertise.

Mr. White spoke to the advantage of improving small business participation in regard to the purchase of City goods and contractual projects. He concurred in the remarks of Mr. Terry that entertainment events for the minority population are somewhat lacking at the Roanoke Civic Center. Overall, he stated that the City has made great strides in its affirmative action efforts, but there are certain areas in need of improvement.

Without objection by Council, the Mayor advised that the communication would be received and filed.

CONSULTANTS' REPORT-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that Council appropriated funds, in the amount of \$850,000.00, for the design process for the Roanoke Civic Center Expansion and Renovation Project-Phase II, at its meeting on November 19, 2001; following public advertisement of the Request for Proposals, the City received one qualification proposal from Rosser International, Inc., which was previously awarded the design contract for the Roanoke Civic Center Expansion and Renovation Project-Phase I improvements associated with the \$3 million Arena Ventures package; and inasmuch as only one proposal was received for the project, and City staff is of the opinion that the firm is well qualified, Rosser International, Inc., was selected to provide the required design services for the proposed Roanoke Civic Center Expansion and Renovation Project - Phase II improvements.

It was further advised that in addition to the normal architectural and engineering design services, services will include interior design, food service, acoustics, graphics and landscape design, but do not include assistance during the bid phase or construction phase; City staff has negotiated an acceptable agreement for the proposed work with Rosser International, Inc., for a lump sum fee of \$825,000.00; funding for the agreement is available in Civic Center Expansion/Renovation Phase II, Account No. 005-550-8616; funding in the total amount of \$850,000.00 is needed for the project, and additional funding in excess of the contract amount is needed to support advertising expenses, testing and other unforeseen project expenses.

The City Manager recommended that Council authorize execution of a contract with Rosser International, Inc., in the amount of \$825,000.00.

Mr. Harris offered the following resolution:

(#35742-020402) A RESOLUTION authorizing a contract with Rosser International, Inc., for architectural and engineering services for the Roanoke Civic Center Expansion and Renovation Project - Phase II improvements.

(For full text of Resolution, see Resolution Book No. 65, page 417.)

Mr. Harris moved the adoption of Resolution No. 35742-020402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, and Bestpitch-----6.

NAYS: Mayor Smith-----1.

BUILDING DEPARTMENT-BUDGET-PUBLIC WORKS-MUNICIPAL BUILDING:
The City Manager submitted a communication advising that there is a need to more carefully evaluate the overall layout for the Public Works Service Center and the surrounding site given the impending relocation of 22 landscape maintenance staff and related equipment from the Parks and Recreation Department, the closing of the Materials Handling Warehouse, the possibility of incorporating the City School's bus maintenance facility, and the need to examine the utilization of land in relation to the proposed stadium-amphitheater complex; with the vacating of the City's Human Services (Social Services) Department from Municipal North in late 2002 or early 2003, there is a need to update the "Long-Range Facilities Master Plan" and revise the conceptual floor plans and cost estimates to re-allocate space within both Municipal North and Municipal South to accommodate the growth of departments remaining in these buildings, as well as other offices housed in space outside the municipal complex; and Council has already given its approval to move forward with each of these studies.

It was further advised that there is also a need to update the master plan relative to the Courthouse Building; information gained from that portion of the study is essential in accurately identifying the budget needs for this future Capital Improvements project; following public advertisement for bids, HSMM, Inc., has been deemed the best qualified to provide the planning services required for the study; City staff has negotiated an acceptable agreement for the work with HSMM, Inc., for a lump sum fee of \$149,220.00; and funding for the agreement is available in the following accounts:

<u>Name</u>	<u>Account Number</u>	<u>Amount</u>
Public Works Service Center	008-530-9776-9003	\$50,000.00
Study of Municipal North and South Office Use	008-530-9777-9003	\$50,000.00
Capital Improvement Reserve	008-052-9575-9173	\$50,000.00

It was noted that funding, in the total amount of \$155,000.00, is needed to perform the study; and additional funding in excess of the contract amount is needed to support advertising expenses, limited testing, reproduction, and other unforeseen project expenses.

The City Manager recommended that Council authorize execution of a contract for Consultant Services for the above described work with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$149,220.00; and transfer \$155,000.00 from the following accounts: \$50,000.00 from Public Works Service Center, Account No. 008-530-9776-9003, \$50,000.00 from Study of Municipal North and Municipal South Office Use, Account No. 008-530-9777-9003, and \$55,000.00 from Capital Improvements Reserve, Account No. 008-052-9575-9173, to a new capital account entitled, "Master Plan for PWSC, Municipal Complex and Courthouse Building."

Mr. Harris offered the following emergency budget ordinance:

(#35743-020402) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 418.)

Mr. Harris moved the adoption of Ordinance No. 35743-020402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35744-020402) A RESOLUTION authorizing a contract with Hayes, Seay, Mattern & Mattern, Inc., for programming and space planning services for the design and development of conceptual building and site plans and related work for the City's Public Works Service Center, to update the City's 1996 "Long-Range Facility Master Plan", and develop related conceptual floor plans for the City's Municipal North and Municipal South office buildings, and the Courthouse building.

(For full text of Resolution, see Resolution Book No. 65 page 419.)

Mr. Harris moved the adoption of Resolution No. 35744-020402. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

CITY SHERIFF: The City Manager submitted a communication in connection with uniforms for employees in the Sheriff's department; whereupon, she recommended that Council authorize issuance of a purchase order(s) to Kay Uniform Co., Inc., for the purchase of Roanoke Sheriff's Office employee uniforms, for a term period of one year, with the option to renew for four additional one year periods, with pricing to remain the same for all five years, and that all other bids received by the City be rejected.

Mr. Bestpitch offered the following resolution:

(#35745-020402) A RESOLUTION accepting the bid of Kay Uniform Company, Inc., for the purchase of Roanoke City Sheriff's Office employee uniforms; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65 page 420.)

Mr. Bestpitch moved the adoption of Resolution No. 35745-020402. The motion was seconded by Mr. Hudson.

Mr. White suggested that a consolidated bid for all City uniforms would invoke more participation and better pricing and asked that the matter be explored when addressing future needs.

Resolution No. 35745-020402 was adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-FIFTH DISTRICT EMPLOYMENT AND TRAINING CONSORTIUM-FIRST UNION NATIONAL BANK: The City Manager submitted a communication advising that the City of Roanoke, First Union and the Fifth District Employment and Training Consortium (FDETC) agreed, if First Union would maintain 420 jobs in Enterprise Zone One, training funds would be available; the agreement states that First Union is responsible for repaying \$400.00 for each position below 420; an October 2001 compliance review noted only 309 First Union employees are now located in Enterprise Zone One, therefore, the City of Roanoke received a check from First Union in the amount of \$44,400.00, representing repayment for 111 positions; the funds need to be appropriated into a City budget account; and the penalty repayment provides an opportunity to further maintain and stimulate economic activity within Enterprise Zone One.

It was further advised that Carilion Health System (CHS), in an agreement dated September 1, 1998, agreed to move or create at least 310 jobs in Enterprise Zone One; the City of Roanoke agreed to make available, through the Fifth District Employment and Training Consortium, jobs training grants in the amount of \$1,000.00 per employee, not to exceed \$500,000.00; CHS has experienced more growth than it anticipated and has requested more training funds than initially set aside; and total request for training funds is \$335,678.32, while the City set aside \$310,000.00 for CHS training funds.

The City Manager recommended that Council appropriate \$25,678.32 from First Union repayment funds into CHS Training Grant Account No. 008-002-9699, with the remaining \$18,721.68 to be deposited in Account No. 008-052-9630-2044; the Enterprise Zone Training Incentive Fund will further the goals of the Enterprise Zone Program; and establish a revenue estimate of \$44,400.00 in "First Union Job Grant Repayment" revenue account.

Mr. White offered the following emergency budget ordinance:

(#35746-020402) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 421.)

Mr. White moved the adoption of Ordinance No. 35746-020402. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-CITY PROPERTY: The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and the property, including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by City taxpayers; the Police Department receives funds periodically from the Federal Government's Asset Sharing Program; grant requirements state that the funds must be placed in an interest bearing account, with interest earned to be used in accordance with program guidelines; and revenues \$58,982.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council appropriate \$58,982.00 to the Grant Fund Account for Exp. Equipment (035-640-3304-2035) and increase the Grant Fund Revenue Estimate for Account No. 035-640-3304-3305 by \$58,231.00 and Account No. 035-640-3304-3306 by \$751.00.

Mr. Hudson offered the following emergency budget ordinance:

(#35747-020402) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 Page 422.)

Mr. Hudson moved the adoption of Ordinance No. 35747-020402. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-FIRE DEPARTMENT-GRANTS-CMERP-EMERGENCY MEDICAL SERVICES-EQUIPMENT: The City Manager submitted a communication advising that the Virginia Department of Health, Office of Emergency Medical Services, has a Rescue Squad Assistance Fund (RSAF) grant program that is administered twice annually; and Roanoke Fire-EMS applied in September 2001 for the grant in order to furnish apparatus with eight automatic external defibrillators (AED) and four suction units, which will equip the apparatus with medical First Response capability, and bring a reserve ambulance into compliance with new state EMS regulations.

It was further advised that in January 2002, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of \$14,000.00 for the above referenced project, requiring a \$14,000.00 local match; sufficient matching funds for the grant were appropriated through CMERP in 2001; and action by Council is needed to formally accept and appropriate the funds and authorize the Director of Finance to establish revenue estimates and appropriation accounts to purchase equipment and supplies pursuant to provisions of the grant.

The City Manager recommended that Council authorize acceptance of the grant and appropriate State grant funds of \$14,000.00, with a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer the local match of \$14,000.00 from Account No. 001-520-3521-9132 to the same Grant Fund account.

Mr. Harris offered the following emergency budget ordinance:

(#35748-020402) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65 page 423.)

Mr. Harris moved the adoption of Ordinance No. 35748-020402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35749-020402) A RESOLUTION authorizing the acceptance of the Rescue Squad Assistance Fund ("RSAF") Grant made to the City of Roanoke by the Virginia Department of Health, Office of Emergency Medical Services, and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 65, page 425.)

Mr. Harris moved the adoption of Resolution No. 35749-020402. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Harris, White, Carder, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

CITY CLERK:

SCHOOLS: The City Clerk submitted a written report advising that pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, the three-year terms of office of Charles W. Day and Brian J. Wishneff will expire on June 30, 2002; Mr. Day is ineligible to serve another term inasmuch as he has served three consecutive three year terms of office; and pursuant to Section 9-16 of the Code of the City of Roanoke (1979), as amended, on or before February 15 of each year, Council shall announce its intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks.

It was further advised that Section 9-17 of the City Code provides that applications must be filed in the City Clerk's Office by March 10 of each year; since March 10, 2002, falls on Sunday, and City offices will be closed, the deadline for receipt of applications will be Friday, March 8 at 5:00 p.m; application forms will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday; and information describing the duties and responsibilities of School Trustees will also be available.

Without objection by Council, the Mayor advised that the report would be received and filed.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS-FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of December, 2001.

There being no questions, and without objection by Council, the Mayor advised that the financial report would be received and filed.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

WATER RESOURCES: Council Member Wyatt requested that the City Manager explore the feasibility of requesting area hotels and restaurants to voluntarily conserve water; i.e.: through laundry practices and serving water with meals upon request only.

FIRST CITIES COALITION: Vice-Mayor Carder presented an update on the First Cities Coalition meeting which was held on January 31, 2002, as a part of Virginia Municipal League Legislative Day. He advised that the First Cities Coalition is composed of a group of 13 cities that lobby the General Assembly with regard to inequities that cities suffer in terms of road funding, Standards of Quality, etc. He noted that the following initiatives were adopted on January 31: (1) to hold a First Cities caucus in which all 13 cities, elected officials and legislators would discuss pertinent issues; (2) to review tax restructuring (Virginia is the 44th lowest tax state in the United States and tenth in income per capita); (3) an informational/publicity campaign intended to bring to the forefront the challenges of urban cities; and (4)

to review litigation to determine if the First Cities Coalition can file suit against the Commonwealth of Virginia for its under funding of the Standards of Quality. He stated that the First Cities Coalition will meet during each quarter and staff for the member localities have been requested to address the above referenced issues.

CITY CHARTER-LEGISLATION-ROANOKE CIVIC CENTER-TAXES: Vice-Mayor Carder addressed the issue of the defeat of the City's admissions tax bill and the City Charter Bill on January 31, 2002, on the floor of the House of Representatives at the Virginia General Assembly. He stated that the purpose of the admissions tax bill was not to tax the entire City, but to fund Roanoke Civic Center improvements, totalling \$15 million, without taxing all entertainment venues in the City. He explained that this specific funding mechanism and the \$15 million of improvements to the Roanoke Civic Center was supported by the Roanoke Regional Chamber of Commerce, Downtown Roanoke, Inc., Roanoke Civic Center Commission, City staff and by unanimous vote of Roanoke City Council. He advised that a legislative representative from the City of Salem, leading the charge to kill a Roanoke City Charter Bill, lends a slap to regional support; the statement was made that Roanoke City needed to get its house together regarding that which was brought forward, whereupon, Vice-Mayor Carder inquired as to how much more the City could have done since 2700 businesses through the Roanoke Valley Chamber of Commerce, Downtown Roanoke, Inc., the Roanoke Civic Center Commission, City staff, and City Council unanimously voted in favor of the admissions tax bill.

In the future and inasmuch as local government is the closet to the citizens in terms of providing services, Vice-Mayor Carder requested that Members of Council leave politics out of such issues while keeping in mind the best interest of all citizens. He advised that if Council allows politics to enter into its decision-making process, it will be stepping back into the "stone age" in representing the City of Roanoke, the Roanoke Valley and the region.

Council Member Bestpitch advised that he, too, felt compelled to comment on the events regarding the City Charter Bill that Council requested its representatives to the General Assembly to introduce on behalf of the City of Roanoke. He stated that he was most deeply concerned by the statements of the Mayor and his allies in his campaign to defeat the legislation since several statements appeared to be designed to deliberately mislead the public. In regard to the admissions tax bill, he advised that the bill was not an effort to get the General Assembly to say that it was raising taxes, and Council was not asking the General Assembly for authority to raise the admissions tax, because City Council already has that authority. He

explained that the legislation was requested so that Council might have the authority to set the admissions tax for City owned facilities at a higher rate than the tax for those facilities that are operated by private enterprise, and two separate tax rates would have ensured that the users of the civic center and the stadium/amphitheater would provide the additional tax revenues needed to pay for the facilities. Since the City has committed itself to improvements at the Roanoke Civic Center and construction of a new stadium/amphitheater, he stated that the City has no choice but to raise the admissions tax across the board, including the tax on private business.

Secondly, Mr. Bestpitch advised that misstatements were made in regard to legislation to amend the City Charter; whereupon, he explained that the bill would have had no effect on the way the Vice-Mayor is selected, or the number of School Board members, the bill does not increase the City's bureaucracy, but seeks to update and remove redundant provisions in an effort to bring the City's practices in line with common procedures used by the state and other localities. He called attention to the amount of staff time involved to research issues and to draft legislation for the proposed City Charter amendments. He advised that the two party system is an integral part of democracy, each party helps to strengthen the other by debating opposing viewpoints and by challenging public officials to keep faith with the voters. He stated that Council agrees about much more than it disagrees; his opinion may not always be supported by a majority of Council; he will sometimes be on the losing side whether it be on historic preservation, rezoning requests, or other issues; sometimes he will want to extend debate on a motion and one of his colleagues will call for the question to end debate; and, accordingly, there may be instances when the Mayor will lose on a request to continue debate on an agenda item and a member of Council will call for the question on the Mayor. He stated that in the past he has not hesitated to express his differences of opinion with the Mayor and will continue to do so, but he has also supported the Mayor's position when he agrees with his viewpoint and will continue to do so in the future. He advised that he will not allow party politics to interfere with the best interest of the City where his votes are concerned and it is hoped that the Mayor will pledge the same commitment to Roanoke's citizens.

In regard to raising funds for civic center improvements, Mr. White requested that the record reflect that there are services/projects that could be reconsidered and/or re-engineered leading to greater efficiency in City government, and this may be an appropriate time for the City Manager and City staff to review the overall operation of the City leading up to fiscal year 2002-03 budget study. He stated that he has served on City Council for a number of years, and there have been disagreements, which have not always been across party lines because people think, react and approach situations differently. He advised that the events that took place during VML Legislative Day on January 31, 2002, in Richmond reflect how individuals react and solve problems in different ways.

Council Member Hudson advised that it is said that local government is the closest to the people and no one feels more strongly than he about communicating with Roanoke's citizens. He stated that much of the problem rests in the fact that the bond issue regarding civic center improvements did not go to referendum for a vote by the citizens, therefore, the City lost the trust of many of its taxpayers, and Council has demonstrated to the citizens that it does not trust each other. He advised that he is a firm believer in asking the people who pay the bills for their input on spending taxpayer dollars.

With regard to the civic center admissions tax bill, the Mayor advised that different viewpoints can be taken as to whether the action would save taxes or raise taxes. He stated that he had no conversation with any person regarding the issue of the civic center admissions tax, although he does not support the increase because there are other ways to accomplish the needed improvements. He advised that in the 1960's when the same City Charter was in effect, it allowed the City to construct the civic center without increasing taxes and it is a source of concern that the same cannot be done today. He called attention to other ways to raise funds such as an increase in event ticket prices, or a tax on the promoter of an event.

With regard to City Charter amendments, the Mayor advised that he engaged in conversation with legislators. He stated that he, too, was concerned about the amount of time that was spent by City staff on the City's Charter amendments, but he is also aware that the same City Charter amendments were prepared and submitted to the General Assembly last year and defeated, therefore, no additional work was required by City staff for the City Charter amendments that were submitted to the 2002 Session of the General Assembly. Because of his experience from last year, he advised that there were certain items that were objectionable in the City Charter bill; he had received a report that certain items were added or deleted through the committee, and there was no way to track all of the steps that the bill had followed, therefore, the City Charter bill was probably defeated due to experiences from last year rather than experiences this year. He stated that it demonstrates that the City of Roanoke and the Roanoke Valley went to Richmond and their voices were heard, however, the problem was that all parties did not go in harmony; regardless of any items that may be included on a "wish list" from the General Assembly, it takes the cooperation of two parties to bring about success; and if Council had gone to Richmond in unanimous agreement, their differences might have been resolved to the satisfaction of everyone, therefore, the City missed an opportunity to work together for the benefit of the entire Roanoke Valley. He added that he looks forward to another year of working with Council to voice the City's views in harmony to legislators and to demonstrate that the City of Roanoke is heard in a positive way.

CITY MANAGER COMMENTS: None.

The Mayor advised that RVTV Channel 3 coverage of the Council meeting would conclude at this point.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is a time for informal dialogue between Council and citizens; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

COUNCIL: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested clarification on a previous agenda item in which four speakers addressed Council and they were required to limit their remarks to three minutes each instead of the five minutes provided by Council's Rules of Procedure. She referred to Item 12, Hearing of Citizens Upon Public Matters, on the printed agenda and noted that the agenda does not state that it is a time for informal dialogue between the Members of City Council and citizens.

There being no further business, the Mayor declared the meeting adjourned at 4:50 p. m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
